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**PUBLISHED APRIL 28, 2005 AND POSTED AT PARISH COMPLEXES BY MAY 3, 2005
AGENDA**

ST. TAMMANY PARISH COUNCIL MEETING

THURSDAY, MAY 5, 2005 AT 6:00 P.M.

ST. TAMMANY GOVERNMENT COMPLEX

21490 KOOP DRIVE, MANDEVILLE, LA.

Call to Order by Honorable Steve Stefancik, Chairman

Invocation by

Pledge of Allegiance by

Roll Call: Marty Dean

Russell Fitzmorris

James A. "Red" Thompson

Patricia P. Brister

Marty Gould

Gary Singletary

Steve Stefancik

Jerry Binder

Joe Impastato

Chris Canulette

Barry D. Bagert

Henry Billiot

Joe "Coach" Thomas

Ken Burkhalter

PRESENTATIONS

1) CLECO Customer Service Realignment by Eric Schouest, General Manager of Eastern Division. (Binder)

CONSENT CALENDAR

Any items not pulled from the consent calendar are automatically approved in whole by one vote. Items pulled from Consent Calendar are discussed and voted upon individually.

MINUTES

Regular Council Meeting April 7, 2005

Special Council Meeting April 25, 2005

Council Committee Meetings April 27, 2005

ORDINANCES FOR INTRODUCTION

(Public Hearing June 2, 2005)

1) Ord. Cal. No. 3061 - Ordinance amending the official zoning map of St. Tammany to

reclassify land on the west side of Highway 21, south of Dummyline Road, north of intersection of Highway 21 and Highway 1077, containing 3.71 acres, from SA Suburban Agriculture to ID Institutional.(Ward 1, District 1) (ZC 05-02-005) (Zoning Commission approved 4/5/2005) (Stefancik/President)

2) Ord. Cal. No. 3062 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the west side of Airport Road, north of Sunset Drive, south of Redwood Street, being a portion of Lots 3 & 4, Tract J, Home Acres Subdivision, containing 2.55 acres, from A-4 Single Family Residential to LC Light Commercial. (Ward 9, District 11)(ZC 04-05-037) (Zoning Commission approved 4/5/2005) (Stefancik/President)

3) Ord. Cal.No. 3063 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the east side of Highway 190 Service Road, north of Fairway Drive, south of Ponchitalawa Drive, containing 5.8 acres, from SA Suburban Agriculture to LC Light Commercial for 1.8 acres, C-1 Neighborhood Commercial for 2.0 acres, and C-2 Highway Commercial for 2.0 acres.(Ward 4, District 5) (ZC 05-04-016) (Zoning Commission approved 4/5/2005) (Stefancik/President)

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4) Ord. Cal. No. 3064 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Highway 22, west of Perrilloux Road, containing 10.282 acres, from C-2 Highway Commercial and LC Light Commercial to A-4 Single Family Residential. (Ward 1, District 1) (ZC 05-04-020) (Zoning Commission approved 4/5/2005) (Stefancik/President)

5) Ord. Cal. No. 3065 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the west side of 9th Street, being Lots 1-8, Square 28, New Claiborne Subdivision, containing 1.66 acres, from SA Suburban Agriculture to C-2 Highway Commercial. (Ward 3, District 3) (ZC 05-04-021) (Zoning Commission approved 4/5/2005) (Stefancik/President)

6) Ord. Cal. No. 3066 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the east side of Lowe Davis Road, south of Kingsland Drive, containing 22.60 acres, from R-Rural to PUD (Planned Unit Development). (Ward 10, District 2)(ZC 05-04-023) (Zoning Commission approved 4/5/2005) (Stefancik/President)

7) Ord. Cal. No. 3067 - Ordinance to adopt Voluntary Developmental Agreement between the Parish and Tammany Development, developer of Penn Mill Place Subdivision. (Ward 3, District 3) (Planning Commission approved 4/12/2005) (Stefancik/President)

8) Ord. Cal. No. 3068 - Ordinance to adopt Voluntary Developmental Agreement between the Parish and Upland Properties, LLC, developer of Bedico Creek Subdivision. (Ward 1, District 1) (Planning Commission approved 4/12/2005) (Stefancik/President)

9) Ord. Cal. No. 3069 - Ordinance to adopt Voluntary Developmental Agreement between the Parish and J/MAC Development, developer of Oaklawn Trace Subdivision. (Ward 7, District 7) (Planning Commission approved 4/12/2005) (Stefancik/President)

10) Ord. Cal. No. 3070 - Ordinance to amend Ord. C.S. No. 92-1607 (Local Coastal Program) to provide consistency with the State Coastal Zone Management Act regarding appeals and

compensatory mitigation. (Stefancik/President)

11) Ord. Cal. No. 3071 - Ordinance to correct Road Inventory to include a portion of Caroline Street. (Ward 4, District 7) (Stefancik/President)

12) Ord. Cal. No. 3072 - Ordinance amending the 2005 Operating Budget. (Stefancik/President)

13) Ord. Cal. No. 3073 - Ordinance to extend the deadline of the sale of surplus property to Gary Durall, being one (1) acre of land in Section 11-6-13, Talisheek. (Ward 6, District 6) (Stefancik/President)

14) Ord. Cal. No. 3074 - Ordinance to authorize Parish President to accept donation of Lot 9, French Branch Estates Subdivision, Phase 1, to provide flood protection for area. (Stefancik/President)

15) Ord. Cal. No. 3075 - Ordinance to extend for an additional six months the moratorium on issuance of building permits for construction or placement of building structures on certain properties within unincorporated St. Tammany Parish abutting, in whole or in part, Soult Street between Highway 190 and Highway 1088 and which use Soult Street for purposes of gaining access to said properties. (Ward 4, Districts 7 & 10) (Impastato/Billiot)

16) Ord. Cal. No. 3076 - Ordinance to extend for an additional six months the moratorium on issuance of building permits for construction or placement of building structures within a portion of Cypress Park Subdivision and a portion of the surrounding areas in Ward 7, District 7. (Impastato)

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17) Ord. Cal. No. 3077 - Ordinance to extend for an additional six months the moratorium on issuance of building permits for construction or placement of building structures on certain properties within unincorporated St. Tammany Parish abutting, in whole or in part, a portion of the East I-10 Service Road in Slidell. (Ward 8, District 8) (Canulette)

18) Ord. Cal. No. 3078 - Ordinance to extend for an additional six months the moratorium on issuance of building permits for construction or placement of building structures on property within Dove Park Subdivision. (Ward 4, District 5) (Gould)

19) Ord. Cal. No. 3079 - Ordinance to extend for an additional six months the moratorium on issuance of building permits for construction or placement of building structures on property within a portion of Pineview Heights Subdivision and a portion of surrounding areas. (Ward 4, District 5) (Gould)

20) Ord. Cal. No. 3080 - Ordinance to extend for an additional six months the moratorium on the receipt of submissions by the Parish Zoning Commission for rezoning of property with a certain portion of unincorporated Ward 1, District 1. (Dean)

21) Ord. Cal. No. 3081 - Ordinance to extend for an additional six months the moratorium on receipt of submissions by the Parish Zoning Commission for rezoning or resubdivision of property

west of Highway 11 and south of I-12 within unincorporated boundaries of Ward 9, District 14. (Burkhalter)

22) Ord. Cal. No. 3082 - Ordinance to revoke sewerage and water servitude established by Parish within revoked portions of Washington, Harrison, 8th, and 9th Streets and Lot 38, Alpine Village Estates Subdivision in Section 42, T-7-S, R-11-E, located in the Town of Mailleville Subdivision. Ward 3, District 3. (Impastato)

RESOLUTIONS

23) Resolution C.S. No. C-1402 - Resolution amending Resolution C-1353, adopted March 03, 2005 and not concurring with a City of Slidell annexation, to concur with the annexation and rezoning of 3.3 acres of land more or less from Parish C-2 Highway Commercial District to City of Slidell C-4 Highway Commercial District, which property is north of Highway 190 West (Old Tiger Drive-In front portion). (Ward 9, District 11) (Stefancik)

24) Resolution C.S. No. C-1403 - Resolution amending Resolution C-1354, adopted March 03, 2005 and not concurring with a City of Slidell annexation, to concur with the annexation and rezoning of 12.49 acres of land more or less from Parish C-2 Highway Commercial & SA Suburban Agriculture Districts to City of Slidell C-4 Highway Commercial District, which property is north of Highway 190 West (Old Tiger Drive-In-back portion). (Ward 9, District 11) (Stefancik)

25) Resolution C.S. No. C-1404 - Resolution to concur/not concur with City of Slidell annexation and rezoning of 0.39 acres at the northwest corner of Lopez Street and Escondito Street (being Lots 7- 10, Square 1, Spanish Trail Highlands Subdivision, and a portion of Escondito Street in S-44, T-9-S, R-14-E), from Parish SA Suburban Agriculture to City of Slidell A-6 Single Family Residential. (Ward 9, District 12) (Stefancik/President)

26) Resolution C.S. No. C-1405 - Resolution to concur/not concur with City of Slidell annexation and rezoning of 0.08 acres west of Almonaster Road and north of Lopez Street (being Lot 1, Square 20, Spanish Trail Highlands Subdivision), from Parish SA Suburban Agriculture to A-6 Single Family Residential. (Ward 9, District 12) (Stefancik/President)

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27) Resolution C.S. No. C-1406 - Resolution to concur/not concur with City of Slidell annexation and rezoning of 0.46 acres at the southwest corner of Old Spanish Trail and Almonaster Road (being Lots 7-12, Square 19, Spanish Trail Highlands Subdivision), from Parish C-2 Highway Commercial and SA Suburban Agriculture to City of Slidell A-6 Single Family Residential. (Ward 9, District 12) (Stefancik/President)

28) Resolution C.S. No. C-1407 - Resolution to concur/not concur with City of Slidell annexation and rezoning of 0.17 acres on the west side of 8th Street, approximately 50 feet south of Jackson Street, from Parish SA Suburban Agriculture to City of Slidell A-6 Single Family Residential. (Ward 9, District 14) (Stefancik/President)

29) Resolution C.S. No. C-1408 - Resolution establishing warranty obligations.

(Stefancik/President)

W A R R A N T Y

NAME OF SUBDIVISION RECOMMENDATION

FOREST BROOK PH 4-C-3

RELEASE L.O.C.

AMOUNT: \$16,500

TO BE BROUGHT INTO PARISH

EXPIRES: JUNE 5, 2005

MAINTENANCE SYSTEM

WARD: 7 DISTRICT: 7

30) Resolution C.S. No C-1409 - Resolution to amend Ord. C.S. No. 04-0988, the 2005-2009 Capital Improvement Budget and Program, to make changes to Council District 13 road list to include Lynn Avenue. (Stefancik/President)

31) Resolution C.S. No. C-1410 - Resolution to amend Ord. C.S. No. 04-0988, the 2005-2009 Capital Improvement Budget and Program, to make changes to Council District 7 road list to include Anchorage Drive. (Stefancik/President)

32) Resolution C.S. No. C-1411 - Resolution to amend Ord. C.S. No. 04-0988, the 2005-2009 Capital Improvement Budget and Program, to make changes to Council District 9 road list to include Brownsitch Road. (Stefancik/President)

33) Resolution C.S. No. C-1412 - Resolution of no objection to naming a right-of-way as Blue Marlin Drive in Ward 4, District 7. (Stefancik/President)

34) Resolution C.S. No. C-1413 - Resolution to amend Ord. C.S. No. 04-0988, the 2005-2009 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Stefancik/President)

35) Resolution C.S. No. C-1414 - Resolution to support Parish Government application for assistance from FEMA to elevate flood-prone residences or acquire, demolish and remove flood-prone residences. (Stefancik/President)

36) Resolution C.S. No. C-1415 - Resolution declaring as surplus certain assets and authorize sale of same. (Stefancik/President)

37) Resolution C.S. No. C-1416 - Resolution requesting that DOTD clean roadside ditches along Highway 59 from Sharp Road to Interstate 12. (Billiot)

END OF CONSENT CALENDAR

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APPEALS

1) Andrea Audibert on behalf of applicant Robert J. Beck and owner Trinity Construction of St. Tammany, Inc., appealing the Zoning Commission DENIAL on March 1, 2005 to rezone 23,485 square feet of land on the east side of Choctaw Drive, south of East Gause Boulevard (being Lot 3, Square 10, Robbert Park Subdivision), from A-4 Single Family Residential to LC Light Commercial. (Ward 8, District 13) (ZC 05-02-003) (TABLED 4/7/2005)

- 2) Attorney Jeff Schoen for applicant/owner Lonesome Development, LLC, appealing the Zoning Commission DENIAL on August 4, 2004 to rezone 206.437 acres west of Tantella Ranch Road, east of Highway 1077, north of intersection of Tantella Ranch Road and Highway 1077, from SA Suburban Agriculture to PUD. (Ward 1, District 1) (ZC 04-07-055) (Postponed pending ND 2025 Small Area Plan for Ward 1, TABLED 3/3/2005 and 4/7/2005)**
 - 3) Attorney Paul J. Mayronne for applicant Leroy J. Cooper and owner Ruelle du Chene Developers LLC, appealing the Zoning Commission DENIAL on March 1, 2005 to rezone 78.7 acres on the west side of Highway 1077, north of intersection of Highway 1077 and Highway 190, from R- Rural and SA Suburban Agriculture to PUD (Planned Unit Development). (Ward 1, District 1) (ZC 04-06-047) (TABLED 4/7/2005)**
 - 4) Applicant Tim Jackson and owner Adrian and Paula Camp appealing the Zoning Commission DENIAL by failed motion on March 1, 2005 to rezone 54.543 acres on the north side of Highway 1085, east of White Chapel Road, across from Village des Bois and Lake Placid Drive, from SA Suburban Agriculture to A-4 Single Family Residential. (Ward 1, District 1) (ZC 05-02-008) (TABLED 4/7/2005)**
 - 5) Applicant Heidi Roth and Annie Roth Lefevre and owner Body Expressions, Inc. appealing the Zoning Commission DENIAL on March 1, 2005 to rezone 26,012 square feet of land on the southwest corner of Dupard Street and Highway 59 from A-2 Suburban to C-2 Highway Commercial. (Ward 4, District 10) (ZC 05-03-015) (TABLED 4/7/2005)**
 - 6) George R. Blue, Jr. appealing the Zoning Commission APPROVAL on April 5, 2005 to rezone 49.3 acres of land on the south side of Highway 1085, west of Highway 21, across from Bricker Road, from SA Suburban Agriculture to a PUD (Planned Unit Development) (Ward 1, District 1) (ZC 04-11-092) (Applicant David Weber)**
 - 7) Applicants Robert and Pamela Parris appealing the Zoning Commission DENIAL on April 5, 2005 to rezone 1 acre of land on the north side of Bayou Liberty Road, east of Faciane Road, across from Nunez Drive, from A-2 Suburban to A-3 Suburban. (Ward 9, District 11) (ZC 04-08-066).**
 - 8) Jeannine Meeds appealing the Zoning Commission APPROVAL on April 5, 2005 to rezone 3 acres of land on the south side of Highway 190, east of Shelby Powell Drive, west of South 24th Street, being a portion of Farm 549, Forest Glen Subdivision, from SA Suburban Agriculture to C-2 Highway Commercial. (Ward 7, District 7) (ZC 05-04-017) (Applicant Jeff Johannsen)**
 - 9) Applicant Bill Magee appealing the Zoning Commission DENIAL on April 5, 2005 for issuance of a conditional use permit for a 7,877 square foot Maternity Home to be located on the south side of Highway 1088, west of Forest Brook Boulevard, in an SA Suburban Agriculture District. (Ward 4, District 7)(CP05-02-017)**
 - 10) Randolph J. Crochet, IV appealing the Zoning Commission DENIAL on April 5, 2005 for issuance of a conditional use permit for a 148,104 square foot Assisted Living Community to be located on the north side of Harrison Avenue, across from K Street in an A-2 Suburban District. (Ward 3, District 3) (CP 05-03-028) (Applicant Leroy Cooper, owner Ruth Begue)**
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11) Jeffrey D. Schoen, Attorney for applicant Gause West Properties, LLC/Faye Wagner, appealing the Zoning Commission DENIAL on April 5, 2005 for issuance of a conditional use permit for a 3,250 square foot Daiquiri Shop to be located on the north side of Highway 190, west of Camp Salmen Road, east of Northshore Boulevard, in a C-2 Highway Commercial District. (Ward 9, District 11) (CP 05-04-045)

12) Wade N. Candies for applicant Ludwig T. Candies appealing the Zoning Commission APPROVAL on April 5, 2005 for a 6-month extension of a conditional use permit for a 12-acre land excavation pond on the north side of Candies Road, west of Highway 40, being 17076 Candies Road, in a R-Rural District. (Ward 2, District 2) (CP 96-06-055)

ORDINANCES FOR ADOPTION

1) Ord. Cal. No. 3045 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the south side of Highway 21, west of Highway 40, east of Daisy Drive, containing 1.14 acres, from R Rural to C-2 Highway Commercial. (Ward 5, District 6) (ZC 05-03-014)
(Zoning Commission approved 3/1/2005) (Introduced 4/7/2005)

2) Ord. Cal. No. 3046 - Ordinance to amend Ordinance C. S. No. 05-1052, adopted February 3, 2005, relative to a Voluntary Developmental Agreement between the Parish and the Azby Fund, owner of Wadsworth Subdivision. (Ward 4, District 7) (Introduced 4/7/2005)

3) Ord. Cal. No. 3047 - Ordinance to amend Ord. C.S. No. 04-0908, adopted 6/3/2004, which established and validated rates and fees for sewerage and water services provided by systems owned and operated by the Parish to amend Cross Gates Utility. (Introduced 4/7/2005)

4) Ord. Cal. No. 3048 - Ordinance to enter and cross Tammany Trace for developer of Oaklawn Trace Subdivision to provide pedestrian access. (Ward 7, District 7)(Introduced 4/7/2005)

5) Ord. Cal. No. 3049 - Ordinance to correct Road Inventory to include a portion of 5th Street, a portion of 10th Street, 11th Street, Brown's Road, Prosper Street and Bernard Road; and correct Drainage Inventory to include ditch located off Delos Road. (Wards 2, 3, 4, 7 & 9, Districts 3, 4, 7 & 14) (Introduced 4/7/2005)

6) Ord. Cal. No. 3050 - Ordinance accepting finalized subdivisions into Road and Drainage Inventories, specifically Black River Forest, Phase 3, Kingspoint, Phase 8Q3, Autumn Lakes, MCH Industrial Park, Autumn Wind, Phase 1, Emerald Creek, Phase 1, Grand Champions of Oak Harbor, Filing 1, Madison Farms, Phase 4, Black River Forest, Phase 9, Southdown, Phase 1, Highland Oaks Estates, Marple Lane (entrance to River Oaks, Addition 9), Forest Brook, Phase 5A, Kingspoint, Phase 8Q6, Les Bois, Phase 1, Turtle Creek, Phase 5-1A, and Kingspoint, Phase 8Q5. (Wards 1, 3, 4, 8, 9 & 10, Districts 1, 5, 7, 8, 12, 13 & 14) (Introduced 4/7/2005)

7) Ord. Cal. No. 3051 - Ordinance authorizing Parish President to accept the Act of Dedication and Donation of Rue de la Parc for inclusion into the Road Maintenance System. (Ward 8, District 9) (Introduced 4/7/2005)

8) Ord. Cal. No. 3052 - Ordinance to amend Code, Chapter 13, to add sections to provide for the

operation of motorized vehicles and enforcement of traffic controls on private streets within Oak Harbor Subdivision (PUD). (Ward 9, Districts 12 & 13) (Introduced 4/7/2005)

9) Ord. Cal. No. 3053 - Ordinance amending and reenacting Parish Code, Chapter 14, to enact Article III, to prohibit blighted property and derelict and dangerous buildings or other structures, to establish enforcement procedures and penalties associated with correcting, securing, repairing, condemning, demolishing, and/or removing any such blighted or dangerous condition, and to otherwise provide with respect thereto. (Introduced 4/7/2005)

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10) Ord. Cal. No. 3055 - Ordinance amending official zoning map of St. Tammany to reclassify land on the north side of Bricker Road and Highway 1085, south of the Tchefuncte River, east of Rousseau Road, containing 375 acres, from SA Suburban Agriculture to PUD (Planned Unit Development) in Ward 1, District 1, subject to conditions agreed upon by developer. (Ward 1, District 1) (ZC 04-10-083) (Introduced from appeal 4/7/2005)

11) Ord. Cal. No. 3056 - Ordinance amending official zoning map of St. Tammany to reclassify land on the east side of Highway 1077, north of Highway 1085, across from Stanga Road, containing 112 acres, from SA Suburban Agriculture to PUD (Planned Unit Development). (Ward 1, District 1) (ZC 04-11-093) (Introduced from appeal 4/7/2005)

12) Ord. Cal. No. 3057 - Ordinance amending official zoning map of St. Tammany to reclassify land on the south side of Highway 1085, west of Highway 21, east of Highway 1077, containing 62.092 acres, from SA Suburban Agriculture to PUD (Planned Unit Development). (Ward 1, District 1) (ZC 04-11-095) (Introduced from appeal 4/7/2005)

13) Ord. Cal. No. 3058 - Ordinance amending official zoning map of St. Tammany to reclassify land on the west side of Fish Hatchery Road, north of Pontchartrain drive, containing 158 acres, from SA Suburban Agriculture to PUD (Planned Unit Development).(Ward 7, District 7) (ZC 05-02-011) (Introduced from appeal 4/7/2005)

14) Ord. Cal. No. 3059 - Ordinance to impose a six-month moratorium on issuance of building, occupancy, or occupational permits or licenses by any Parish Department or agency for any pain management center or clinic whose primary focus or concentration is the prescribing and/or dispensing of pain medication to individuals with complaints of chronic pain which is unaffiliated with any hospital or hospice or facility for the treatment of the terminally ill in unincorporated St. Tammany Parish. (Introduced 4/7/2005)

15) Ord. Cal. No. 3060 - Ordinance to authorize the Parish President to accept transfer of ownership of a portion of Oak Harbor Boulevard. (Ward 9, District 12) (Introduced 4/7/2005)

APPOINTMENTS

1) Resolution to appoint Robyn Paisant to replace Charles L. Barber (resigned) to Sub Drainage District No. 1 of Gravity Drainage District No. 3. (Bagert)